

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Regarding the Claimed Invention

In order to more fully appreciate the language of the claims, the following explanation of an exemplary embodiment is presented without intent to limit the scope of the claims, but in the interest of reaching an understanding with the Examiner. The present invention, in certain claimed embodiments relates to a mechanism for converting selectively encrypted content into content that can be played (i.e., unencrypted content) without need for actual decryption per se of the encrypted content. In these embodiments, the selectively encrypted content is received from a source (i.e., a first source) such as a cable television system provider. Such content comprises encrypted packets and unencrypted packets. In other scenarios such as those described by Genois, the cable television provider may also be a source of decryption keys used to decrypt the encrypted packets. Such decrypted packets can then be combined with the unencrypted packets to produce content that is then suitable for playback to the user.

However, in accord with the present example embodiment, decryption need not in fact be carried out at all. Instead, a second source of content (e.g., a computer file, disc, or second data stream via the Internet, for example) provides a set of packets that are already unencrypted (or decrypted). This set of packets corresponds to the encrypted packets present in the content supplied by the first source. Thus, by combining the packets from the second source with packets from the first source, a complete set of clear packets can be obtained and thus the content can be played.

Regarding the Rejections under 35 U.S.C. §102

Claims 1, 5 and 7-9 were rejected as anticipated by Genevois of record. In studying the present Office Action, it would appear that the Examiner is interpreting the second source of content to be readable upon content that is derived from the first source within the receiver (e.g., the set top box) by decryption. The claims have therefore been amended to assure that this

interpretation is not viable. As amended, the claims each require that the content be rendered playable “without decryption of the encrypted packets” per se. Additionally, the claims have been clarified to assure that it is clear that both the selectively encrypted stream and the clear packets that are substituted for the encrypted packets are received at a digital television receiver device from first and second sources respectively.

In the Genevois reference, it is clear that the content is in fact actually decrypted within the receiver device (i.e., STB with a SmartCard). Moreover, the process used is depicted step by step in Fig. 12 and it is clear that the encrypted packets are removed from a single data stream, decrypted (descrambling), and reinserted into the data stream to produce the clear output. This is believed to be clearly precluded by the claims as amended. Hence, the amended claims are submitted to be allowable. Reconsideration and allowance are respectfully requested.

Regarding the Rejections under 35 U.S.C. §103

Claims 2-4 and 6 were rejected as unpatentable over Genevois in view of Colligan. In view of the amendments described above, it is believed clear that Genevois cannot be considered to teach the features as claimed, and the teachings of Colligan are also dependent upon decryption of selectively encrypted packets at the receiver device to render content playable. Hence, the deficiencies of Genevois required to meet the amended claims are not present in Colligan. None of the art of record is believed to teach or suggest the claimed process and apparatus for decryption. Reconsideration and allowance are respectfully requested at an early date.

Claims 19-27 were rejected as unpatentable over Genevois in view of Colligan and further in view of Ryan. The above remarks regarding Genevois and Colligan are equally applicable.

Ryan discloses use of a warp pattern library that is used to warp an image in a predetermined manner as a form of scrambling (encryption). In this form of encryption, the images is distorted in a predefined manner, but make no mistake about it, it is in fact a form of encryption. At the receiver, the warp pattern library is used to unencrypt (descramble) the

content by reversing the warping applied at the encrypting side. Note that the terms "scramble" and "descramble" are used in Ryan's specification, and Applicant has defined encryption and scrambling to mean the same thing at the last paragraph of page 4. Hence, by definition, the process used in Ryan and as described at Fig. 7 and col. 6, lines 1-6 and other locations is in fact a form of encryption and decryption consistent with the claim language which explicitly states that no such process takes place at the receiver device.

Hence, Ryan is merely a form of encryption which is described as "warping" or "distorting". To render the content playable, the content is decrypted by warping it with a complement of the warping pattern originally used to render the content scrambled.

Moreover, the Ryan reference fails to meet the claim requirement of receiving clear packets that are substituted for the encrypted packets from a second source as disclosed and claimed. None of the art of record is believed to teach or suggest the claimed process and apparatus for decryption. Reconsideration and allowance are respectfully requested at an early date.

Concluding Remarks

The undersigned additionally notes that many other distinctions exist between the cited art and the claims. However, in view of the clear distinctions pointed out above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort. No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

Interview Request

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. The amendments presented herein are believed to clarify the claimed subject matter such that the intended distinctions over the art

are clearly delineated. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview, and will be happy to further clarify the claims if the Examiner feels that the amendments presented herein do not fully address the Examiner's concerns. The undersigned can be reached at the telephone number below.

Respectfully submitted,



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